



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

**Division of Water Rights**  
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Division of Water Rights: <http://www.waterrights.ca.gov>



**Gray Davis**  
Governor

## NOTICE OF APPLICATIONS TO APPROPRIATE WATER BY PERMIT

**APPLICATIONS:** 31304  
31362 and 31363

**DATE FILED:** March 14, 2002  
September 26, 2002

Notice is hereby given that Klein Foods, Inc. has filed three applications for water right permits for diversion of water from several unnamed streams tributary to Dry Creek thence Lake Sonoma (located on Dry Creek) thence the Russian River in Sonoma County. The State Water Resources Control Board (SWRCB) will determine whether water right permits should be issued for the applications and, if so, whether conditions are needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed projects and also describes the procedure and time frame for submittal of protests against the applications. This notice may be viewed at the Division of Water Rights' (Division) website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the applicant should be mailed to:

Klein Foods, Inc.  
c/o Wagner and Bonsignore  
444 North Third Street, Suite 325  
Sacramento, CA 95814-0228

### Description of Projects

#### Application 31304

Application 31304 proposes to store water behind three onstream reservoirs totaling 141 acre-feet (af) of water as follows:

- Reservoir 1 will store 48 af of water per annum (afa) behind a 23-foot-high, 200-foot-long dam, forming a reservoir with a surface area of 3 acres;
- Reservoir 2 will store 48 afa behind a 22-foot-high, 300-foot-long dam, forming a reservoir with a surface area of 3.5 acres; and
- Reservoir 3 will store 45 afa behind a 21-foot-high, 350-foot-long dam, forming a reservoir with a surface area of 3 acres.

The primary purpose for the water stored in the reservoirs will be the irrigation of 153 acres of vineyards and incidental recreation. The three proposed reservoirs will be located on small swales and collect water from their naturally tributary areas. The stored water will be supplemented by water diverted from points on the two nearby unnamed streams. Water will also be transferred via 4-inch PVC pipelines between the reservoirs as necessary for efficiency of irrigation operations. A map delineating the proposed project is attached.

*"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*

**Summary of Application 31304**

County: Sonoma

Sources: Point of Diversion (POD) 1 is located on an unnamed stream tributary to Dry Creek thence Lake Sonoma (located on Dry Creek) thence the Russian River  
 PODs 2, 3, and 4 are located on an unnamed stream tributary to Lake Sonoma (located on Dry Creek) thence the Russian River  
 POD 5 is located on an unnamed stream tributary to Lake Sonoma (located on Dry Creek) thence the Russian River

Points of  
 Diversion: Located as follows:

- (POD):
- (1) POD to storage at Reservoir 1 and to offstream storage at Reservoirs 2 and 3. Also a Point of Rediversion (PORD) for POD 2, 3, 4, and 5. POD 1 is located within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 24, T11N, R12W, MDB&M.
  - (2) POD to storage at Reservoir 2 and to offstream storage at Reservoirs 1 and 3. Also PORD for PODs 1, 3, 4, and 5. POD 2 is located within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 24, T11N, R12W, MDB&M.
  - (3) POD to storage at Reservoir 3 and to offstream storage at Reservoirs 1 and 2. Also PORD for PODs 1, 2, 4, and 5. POD 3 is located within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 19, T11N, R11W, MDB&M.
  - (4) POD to storage at Reservoir 2 and POD to offstream storage at Reservoirs 1, and 3. Also PORD for PODs 1, 2, and 3. POD 4 is located within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 24, T11N, R12W, MDB&M.
  - (5) POD to offstream storage at Reservoirs 1, 2, and 3. Also PORD for PODs 1, 2, and 3. POD 5 is located within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 19, T11N, R11W, MDB&M.
- The diversion of offstream storage will be by pumping at a rate not to exceed one cubic foot per second.

Amount: 141 acre-feet per year of storage

Season: November 1 through May 1 for storage

Purposes: Irrigation and Incidental Recreation

Place of Use:

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	19	11N	12W	MD	1	No
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	19	11N	11W	MD	24	No
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	19	11N	11W	MD	25	No
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	24	11N	12W	MD	11	No
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	24	11N	12W	MD	28	No
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	24	11N	12W	MD	33	No
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	24	11N	12W	MD	15	No
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	24	11N	12W	MD	<u>16</u>	No
TOTAL					153	

**Application 31362**

Application 31362 proposes to store water behind three reservoirs totaling 154 af of water that are described below. Reservoirs 1 and 2 are onstream, and Reservoir A is an offstream, pit-type.

Reservoir 1 will store 48 afa behind a 24.9-foot-high, 250-foot-long dam, forming a reservoir with a surface area of 3 acres;

Reservoir 2 will store 98 afa behind a 52-foot-high, 525-foot-long dam, forming a reservoir with a surface area of 4.5 acres; and

Reservoir A will store 8 afa behind a 12-foot-high, 500-foot-long dam, forming a reservoir with a surface area of 1 acre.

The primary purpose for the water stored in the reservoirs will be the irrigation of 183 acres of vineyards and incidental recreation.

The reservoirs at PODs 1, 2, and 4 are located on the same unnamed stream and collect water from their naturally tributary areas. POD 3 is located on an unnamed stream and will supply water to offstream, pit-type Reservoir A. POD 4 is located on a separate unnamed stream and will supply water to Reservoir 2. Water will be transferred between the reservoirs via 4-inch PVC pipelines as necessary for efficiency of irrigation operations. A map delineating the proposed project is attached.

### **Summary of Application 31362**

County: Sonoma

Source: PODs 1, 2, and 4 are located on an unnamed stream tributary to Lake Sonoma (located on Dry Creek) thence the Russian River (the same unnamed stream as POD 7 under Application 31363)  
POD 3 is located on an unnamed stream tributary to unnamed stream (aka Rail Creek) thence Dry Creek thence the Russian River

Points of

Diversion: Located as follows:

- (1) POD to storage at Reservoir 1 and to offstream storage at Reservoirs 2 and A. Also PORD for PODs 2, 3, and 4. POD 1 is located within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 18, T11N, R11W, MDB&M.
  - (2) POD to storage at Reservoir 2 and to offstream storage at Reservoirs 1 and A. Also PORD from PODs 1, 3, and 4. POD 2 is located within the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 18, T11N, R11W, MDB&M.
  - (3) POD to offstream storage at Reservoirs 1, 2, and A. POD 3 is located within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 18, T11N, R11W, MDB&M.
  - (4) POD to offstream storage at Reservoirs 1, 2, and A. POD 4 is located within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 17, T11N, R11W, MDB&M.
- The diversion to offstream storage will be by pumping at a rate not to exceed one cubic foot per second.

Points to  
Offstream

Storage: (1) Water will be diverted from PODs 1, 2, 3, and 4 to Reservoir A. Reservoir A is located within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 7, T11N, R11W, MDB&M

Amount: 154 acre-feet per year of storage

Season: November 1 through May 1 for storage

Purposes: Irrigation and Incidental Recreation

Place of Use:

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	7	11N	11W	MD	13	No
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	7	11N	11W	MD	14	No
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	7	11N	11W	MD	30	No
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	17	11N	11W	MD	5	No
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	17	11N	11W	MD	2	No
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	18	11N	11W	MD	8	No
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	18	11N	11W	MD	26	No
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	18	11N	11W	MD	10	No
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	18	11N	11W	MD	27	No
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	18	11N	11W	MD	9	No
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	18	11N	11W	MD	18	No
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	18	11N	11W	MD	1	No
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	18	11N	11W	MD	1	No
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	18	11N	11W	MD	1	No
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	7	11N	11W	MD	5	No
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	7	11N	11W	MD	11	No
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	7	11N	11W	MD	<u>2</u>	No
TOTAL					183	

### **Application 31363**

Application 31363 proposes to store water behind five onstream reservoirs totaling 122 acre-feet of water as follows:

Reservoir 1 will store 35 afa behind a 22-foot-high, 800-foot-long dam, forming a reservoir with a surface area of 2.5 acres;

Reservoir 2 will store 26 afa behind a 23-foot-high, 250-foot-long dam, forming a reservoir with a surface area of 1.75 acres;

Reservoir 3 will store 15 afa behind a 17-foot-high, 300-foot-long dam, forming a reservoir with a surface area of 1.5 acres;

Reservoir 4 will store 16 afa behind a 24.9-foot-high, 450-foot-long dam, forming a reservoir with a surface area of 1 acre; and

Reservoir 5 will store 30 afa behind a 24.9-foot-high, 350-foot-long dam, forming a reservoir with a surface area of 1.75 acres.

The primary purpose for the water stored in the reservoirs will be the irrigation of 140 acres of vineyards and incidental recreation.

The reservoirs at PODs 1, 2, 3, 4, and 5 are located on unnamed streams and collect water from their naturally tributary areas. POD 6 is located on an unnamed stream and will supplement the water stored in Reservoirs 1, 2, and 3. POD 7 is located on a separate unnamed stream and will supplement the water stored in Reservoirs 4 and 5. Water can be transferred between Reservoirs 1, 2, and 3 and between Reservoirs 4 and 5 via 4-inch PVC pipelines as necessary for efficiency of irrigation operations. A map delineating the proposed project is attached.

### Summary of Application 31363

County: Sonoma  
 Source: PODs 1, 2, and 6 are located on an unnamed stream tributary to Lake Sonoma (located on Dry Creek),  
 PODs 3, 4, and 5 are located on separate unnamed streams tributary to unnamed streams tributary to Lake Sonoma (located on Dry Creek), and;  
 POD 7 is located on an unnamed stream (the same unnamed stream as PODs 1,2, and 4 under Application 31362) tributary to an unnamed stream thence Lake Sonoma (located on Dry Creek); all are tributary to the Russian River

Points of  
 Diversion: Located as follows:  
 (1) POD to storage at Reservoir 1 and to offstream storage at Reservoirs 2 and 3. Also Point of Rediversion (PORD) for PODs 2, 3, and 6. POD 1 is located within the NW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Section 19, T11N, R11W, MDB&M.  
 (2) POD to storage at Reservoir 2 and to offstream storage at Reservoirs 1 and 3. Also PORD for PODs 1, 3, and 6. POD 2 is located within the SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 18, T11N, R11W, MDB&M.  
 (3) POD to storage at Reservoir 3 and to offstream storage at Reservoirs 1 and 2. Also PORD for PODs 1, 2, and 6. POD 3 is located within the NW<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub> of Section 20, T11N, R11W, MDB&M.  
 (4) POD to storage at Reservoir 4 and to offstream storage at Reservoir 5. Also PORD from PODs 5 and 7. POD 4 is located within the NW<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 17, T11N, R11W, MDB&M.  
 (5) POD to storage at Reservoir 5 and to offstream storage at Reservoir 4. Also PORD for PODs 4 and 7. POD 5 is located within the SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 17, T11N, R11W, MDB&M.  
 (6) POD to offstream storage at Reservoirs 1, 2, and 3. POD 6 is located within the SE<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Section 19, T11N, R11W, MDB&M.  
 (7) POD to offstream storage at Reservoirs 4 and 5. POD 7 is located within the NW<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 17, T11N, R11W, MDB&M.  
 The diversion to offstream storage will be by pumping at a rate not to exceed one cubic foot per second.

Amount: 122 acre-feet per year of storage  
 Season: November 1 through May 1 for storage  
 Purposes: Irrigation and Incidental Recreation  
 Place of Use:

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SE¼ of NE¼	17	11N	11W	MD	1	No
NW¼ of SE¼	17	11N	11W	MD	2	No
NE¼ of SE¼	17	11N	11W	MD	22	No
SW¼ of SE¼	17	11N	11W	MD	3	No
SE¼ of SE¼	17	11N	11W	MD	20	No
NW of NE¼	19	11N	11W	MD	8	No
NE¼ of NE¼	19	11N	11W	MD	29	No
SW¼ of NE¼	19	11N	11W	MD	1	No
SE¼ of NE¼	19	11N	11W	MD	23	No
NW¼ of NW¼	20	11N	11W	MD	10	No
SW¼ of NW¼	20	11N	11W	MD	9	No
NE¼ of SE¼	19	11N	11W	MD	1	No
NE¼ of NE¼	20	11N	11W	MD	10	No
SE¼ of NE¼	20	11N	11W	MD	<u>1</u>	No
TOTAL					140	

All three projects are located approximately six miles west of Cloverdale.

### Environmental Information

The proposed project involves three separate water rights applications. However, for compliance with the California Environmental Quality Act (CEQA), the project will be reviewed as a whole. The project applicant is proposing to develop water storage for a total of 417 acre-feet of water annually to irrigate 476 acres of vineyard within an 3,450± acre area of the Cooley Ranch property in northern Sonoma County. The location is within Township 11N, Range 11W and 12W of the “Big Foot Mountain, California” and “Cloverdale, California” U.S. Geological Survey (USGS) 7.5 minute topographic quadrangles. The proposed project also includes the improvement of existing roads and development of new roads to access the proposed vineyard areas. It is anticipated that all material required for construction of the proposed dams would be excavated from within the reservoir areas, below the high water line. However, if required, additional material would be excavated from proposed borrow pit sites.

SWRCB as the lead agency will prepare an Initial Study and appropriate subsequent environmental documents for the project according to CEQA and its guidelines. SWRCB will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a

significant effect on the environment, please send this information to MaryLisa F. Lynch, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. Information submitted will be reviewed in accordance with CEQA.

## **PROTEST SUBMITTAL INFORMATION**

### **Protest Requirements**

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

### **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/) or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the

procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

### **Protest Submittal Deadline**

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **40<sup>th</sup>** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

### **Resolution of Protests**

The applicant will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

These are "minor" projects (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms or general information pamphlets, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at [pmeroney@waterrights.swrcb.ca.gov](mailto:pmeroney@waterrights.swrcb.ca.gov). Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).



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Date of Notice: **October 3, 2003**